



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

July 15, 1994

Mr. Jose R. Guerrero
Montalvo & Ramirez
900 N. Main
McAllen, Texas 78501

OR94-338

Dear Mr. Guerrero:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 23246.

You represent the La Joya Independent School District, which received an open records request for documents concerning the district's health insurance plan. You claim that the documents are excepted from disclosure by section 552.103 of the Government Code, which excepts information

(1) relating to litigation of a civil or criminal nature or settlement negotiations, to which the state or a political subdivision is or may be a party or to which an officer or employee of the state or a political subdivision, as a consequence of the person's office or employment, is or may be a party; and

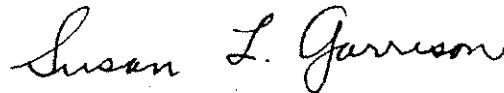
(2) that the attorney general or the attorney of the political subdivision has determined should be withheld from public inspection.

This provision applies where litigation is pending or reasonably anticipated and the information is related to that litigation. *Heard v. Houston Post Co.*, 684 S.W.2d 210 (Tex. App.--Houston [1st Dist.] 1984, writ ref'd n.r.e.). The mere chance of litigation is not sufficient to justify the withholding of information. Open Records Decision No. 361 (1983).

You base your anticipation of litigation on a letter dated August 18, 1993, from an attorney representing the school's former third party administrator of its insurance plan to the school superintendent. You anticipate litigation from the fact that the school district changed insurance plan administrators and from the tone of this letter. However, nearly ten months have passed since that letter was written, and no other facts have developed indicating that there might be litigation about this matter. We conclude that you have not shown that litigation is reasonably anticipated, and that you must release the records.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with an informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Susan L. Garrison
Assistant Attorney General
Open Government Section

SG/KKO/mc

Ref.: ID# 23246

Enclosures: Submitted documents

cc: Mr. David Arizmendi
AFT Representative
1701 North 8th Street, Suite #22A
McAllen, Texas 78501
(w/o enclosures)